



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

JAN 14 2015

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Article No.: 7014 1200 0000 6124 0572

Mr. Gary Brown
Registered Agent
Bacon Maker Farms, Inc.
1895 570th Avenue
Armstrong, Iowa 50514

Re: Request for Information Pursuant to Section 308 of the Clean Water Act (33 U.S.C. § 1318)

Dear Mr. Brown:

On June 17, 2014, a representative of the U.S. Environmental Protection Agency inspected animal feeding facilities owned or operated by Bacon Maker Farms, Inc., at or near 38038 Aspen Road, Macedonia, Iowa. The inspection was conducted under the authority of Section 308 of the Clean Water Act. A copy of the inspection report is enclosed on a compact disc for your information.

The EPA inspector identified a number of issues that raised concerns regarding compliance with the requirements of the CWA. In particular, runoff sampling confirmed that pollutants from your feeding operation discharge to waters of the United States. A Notice of Potential Violation was issued at end of the inspection to bring these compliance concerns to your attention and to instigate effort to address the concerns. The intent of this letter is to seek information regarding any steps Bacon Maker Farms, Inc. may have taken to address the issues since the NOPV was issued so the EPA may better assess CWA compliance.

The inspection identified that your swine and beef production areas have characteristics that define the two areas as a single large concentrated animal feeding operation. As a CAFO, the operation cannot discharge pollutants to a water of the United States unless the discharge is authorized by a National Pollutant Discharge Elimination System permit. The inspection documented outdoor production areas that did not to have adequate runoff controls to prevent pollutant discharges.

Section 308 of the CWA, 33 U.S. § 1318, authorizes the agency to request information to determine compliance with the CWA. Animal feeding operations are effluent sources subject to Section 308 of the CWA. The agency requests the following information: For each issue raised in the NOPV, please describe in detail any actions Bacon Maker Farms, Inc. has taken to address the CWA compliance concern. Please provide copies of engineering documents, design plans or other documents illustrating the runoff controls that have been or will be installed.

The agency recommends that CAFOs with outdoor production areas should seek NPDES permit coverage for liability protection and to establish management practices that best protect water quality.

The required information must be submitted no later than twenty-one (21) calendar days after receipt of this letter to:

Seth Draper
U.S. Environmental Protection Agency
Water, Wetlands and Pesticides Division
11201 Renner Boulevard
Lenexa, Kansas 66219.

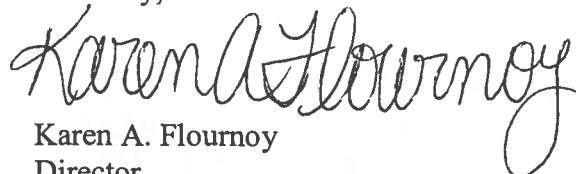
Important Information about this Request and the Response

Please be advised that the failure to respond accurately, or the submission of false information, may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Further note that the agency reserves the right to pursue appropriate enforcement actions under Section 309 of the CWA, 33 U.S.C. § 1319, including penalties, for violations of the CWA, including those discovered as a result of the EPA's March 2014 inspection.

The information required by this request must be submitted notwithstanding any claim you may have concerning confidentiality. The facility may assert a business confidentiality claim with respect to part or all of the information submitted to the agency under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905. The agency will consider and process such a request pursuant to such statutes and the agency regulations at 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to the agency, it may be made available to the public by the agency without further notice to the facility. Please note that pursuant to 40 C.F.R. § 2.302, effluent data, as defined therein, is not eligible for confidential treatment.

We appreciate your cooperation and prompt attention to this matter. If you have any questions regarding this information request, please contact Mr. Draper at phone number (913) 551-7080 or electronic mail at draper.seth@epa.gov.

Sincerely,



Karen A. Flourney
Director
Water, Wetlands and Pesticides Division

Enclosure: EPA Inspection Report

cc: Ken Hessenius - IDNR (via electronic copy)